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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/306,688	05/06/1999	OLIVER T. BAYLEY	INT1P027	3807
21912	7590	09/19/2005		
VAN PELT, YI & JAMES LLP 10050 N. FOOTHILL BLVD #200 CUPERTINO, CA 95014			EXAMINER BROWN, VERNAL U	
			ART UNIT	PAPER NUMBER
			2635	
DATE MAILED: 09/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/306,688

Applicant(s)

BAYLEY ET AL.

Examiner

Vernal U. Brown

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,7-9 and 20-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,7-9 and 20-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This action is responsive to communication filed on July 05, 2005.

#### ***Response to Amendment***

The examiner recognizes the amendment of claims 1, 7-9, and 21-22.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 7-9, and 20-28 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7-9, 20-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Want et al U.S Patent 6008727 in view of Armstrong U.S Patent 5461385 in view of Werb U.S Patent 6843427 and further in view of Watters et al. US Patent Application 200220154029.

Regarding claim 1, Want et al teaches an interactive radio frequency tag comprising a passive radio frequency transponder (col. 2 line 30), including an antenna (col. 2 line 34), an interface for receiving external stimulus and integrated circuit (col. 3 lines 10-15) responsive to external stimulus. Want et al. is however silent on teaching one or more integrated circuit responsive to an external stimulus to irreversibly change the state of the transponder between a first active state in which the transponder provides a first active response and a second active

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state in which the transponder provides a second active response in response to an external stimulus that includes detecting a motion. Armstrong in an art related RF/ID Transponder System Employing Multiple Transponders And A Sensor invention teaches a transponder having one or more integrated circuit responsive to an external stimulus to change the state of the transponder between a first active state in which the transponder provides a first active response and a second active state in which the transponder provides a second active response (col. 2 lines 45-54) but is also silent on teaching providing a response in response to detecting a motion and the state of the transponder is irreversibly changed. Werb in an art related invention in the same field of endeavor of radio frequency tag teaches a radio frequency tag having motion detector and changing the response state in term of the frequency of transmission based on the detection of motion (col. 15 lines 54-56) and is also silent on teaching the state of the transponder is irreversibly changed. Watters et al. in an art related sensor device invention teaches a fuse experiencing an irreversible change of corroding and breaking due to the corrosive effect of the environmental condition (paragraph 0096) in order to respond to a quantitative parameter being measured.

It would have been obvious to one of ordinary skill in the art to have one or more integrated circuit responsive to an external stimulus to irreversibly change the state of the transponder between a first active state in which the transponder provides a first active response and a second active state in which the transponder provides a second active response which includes detecting a motion in Want et al. as evidenced by Armstrong in view of Werb in view of Watters et al. because Want et al. suggests a transponder with integrated circuit and responsive to external stimulus and Armstrong teaches a transponder having one or more integrated circuit

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responsive to an external stimulus to change the state of the transponder between a first active state in which the transponder provides a first active response and a second active state in which the transponder provides a second active response in order to provide different information based on the external stimulus and Werb teaches a radio frequency tag having motion detector and changing the response state in term of the frequency of transmission based on the detection of motion. The use of an external stimulus to irreversibly change the state of a transponder is further evidenced by Watters et al. in order to respond to a quantitative parameter being measured.

Regarding claim 7, Want et al teaches an interactive radio frequency tag apparatus comprising of an output device in the form of a light emitting diode which generates a visible signal in (col. 17 lines 8).

Regarding claim 8, Want et al. teaches a radio frequency tag apparatus giving audio or visual indication (col. 12 line 2-3).

Regarding claim 9, Want et al teaches that the output device generates a tactile signal (col. 2 line 54).

Regarding claim 20, Want et al. teaches the use of various environmental sensors including temperature sensors (col. 3 lines 10-17).

Regarding claim 21, Want et al teaches a radio frequency tag apparatus with an output device of a light emitting diode or an audio alert signal output (col. 12 lines 3-4). Speakers are typically used to output an audio alert signal.

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Regarding claim 22, Want et al teaches an interactive radio frequency tag comprising a passive radio frequency transponder (col. 2 line 30), including an antenna (col. 2 line 34), an interface for receiving external stimulus and integrated circuit (col. 3 lines 10-15) responsive to external stimulus. Want et al. is however silent on teaching one or more integrated circuit responsive to an external stimulus to irreversibly change the state of the transponder between a first active state in which the transponder provides a first active response and a second active state in which the transponder provides a second active response that includes detecting a motion. Armstrong in an art related RF/ID Transponder System Employing Multiple Transponders And A Sensor invention teaches a transponder having one or more integrated circuit responsive to an external stimulus to change the state of the transponder between a first active state in which the transponder provides a first active response and a second active state in which the transponder provides a second active response (col. 2 lines 45-54). Armstrong further teaches an external stimulus (pressure) to the pressure sensor interface for changing the state of the transponder (col. 2 lines 60-65) but is also silent on teaching providing a response in response to detecting a motion and irreversibly change the state of the transponder from a first state to a second state. Werb in an art related invention in the same field of endeavor of radio frequency tag teaches a radio frequency tag having motion detector and changing the response state in term of the frequency of transmission based on the detection of motion (col. 15 lines 54-56) but is also silent on teaching irreversibly changing the state of the transponder from a first state to a second state. Watters et al. in an art related sensor device invention teaches a fuse experiencing an irreversible change of corroding and breaking due to the corrosive effect of the

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environmental condition (paragraph 0096) in order to respond to a quantitative parameter being measured.

It would have been obvious to one of ordinary skill in the art to have one or more integrated circuit responsive to an external stimulus to change the state of the transponder between a first active state in which the transponder provides a first active response and a second active state in which the transponder provides a second active response which includes detecting a motion in Want et al. as evidenced by Armstrong in view of Werb because Want et al. suggests a transponder with integrated circuit and responsive to external stimulus and Armstrong teaches a transponder having one or more integrated circuit responsive to an external stimulus to change the state of the transponder between a first active state in which the transponder provides a first active response and a second active state in which the transponder provides a second active response in order to provide different information based on the external stimulus and Werb teaches a radio frequency tag having motion detector and changing the response state in term of the frequency of transmission based on the detection of motion. The use of an external stimulus to irreversibly change the state of a transponder is further evidenced by Watters et al. in order to respond to a quantitative parameter being measured.

Regarding claim 23 and 24, Want et al is silent on teaching generating a signal to indicate that the state of the radio frequency tag has change. Want et al however teaches using a flashing LED to indicate the reading state of a radio frequency tag (col. 12 line 3). One skill in the art recognizes that a flashing LED provides a visible signal as to the state of the RF tag.

Regarding claim 25, Want et al teaches an audible alert to provide indication of the state of the RF tag.

Regarding claim 26, Want et al teaches a tactile output based on internal state of the RF tag (col. 8. lines 40-41).

Regarding claim 27, Want et al teaches an interface that includes a button (col. 5 line 23).

Regarding claim 28, Want et al teaches a RF tag with an optionally attached sensor (560).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U. Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vernal Brown  
September 14, 2005



BRIAN ZIMMERMAN  
PRIMARY EXAMINER